

By: Huffman

S.B. No. 664

A BILL TO BE ENTITLED

AN ACT

relating to qualifications, training, removal, and supervision of certain masters, magistrates, referees, associate judges, and hearing officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter A to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. QUALIFICATIONS. (a) In addition to any other qualification required by law, to be eligible for appointment as a master, magistrate, referee, associate judge, or hearing officer under this chapter, a person must:

(1) be a resident of this state and of the county in which they are appointed;

(2) except as provided by Subsection (b), have been licensed to practice law in this state and in good standing with the State Bar of Texas for at least five years;

(3) not have been defeated for reelection to a judicial office in the election immediately preceding the person's appointment;

(4) not have been removed from office by impeachment, the supreme court, the governor on address to the legislature, a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or the legislature's abolition of the judge's

court; and

(5) not have resigned from office after having received notice the State Commission on Judicial Conduct had instituted formal proceedings as provided by Section 33.022 and before the final disposition of the proceedings.

(b) Notwithstanding Subsection (a)(2), to be eligible for appointment as a master, magistrate, referee, associate judge, or hearing officer under the following provisions of this chapter, a person must have been licensed to practice law in this state and in good standing with the State Bar of Texas for at least two years:

(1) Section 54.991;

(2) Section 54.1231;

(3) Section 54.1501;

(4) Section 54.1851;

(5) Section 54.2001;

(6) Section 54.2301; or

(7) Section 54.2802.

Sec. 54.002. REQUIRED TRAINING ON DUTIES REGARDING BAIL.

In addition to any other training required under this chapter, a master, magistrate, referee, associate judge, or hearing officer appointed under this chapter whose duties include setting, adjusting, or revoking bail bonds shall comply with the training requirements under Article 17.024, Code of Criminal Procedure.

Sec. 54.003. SUSPENSION AND REMOVAL. (a) In addition to

other removal provisions provided under this chapter or other law, a master, magistrate, referee, associate judge, or hearing officer appointed under this chapter may be removed under Section 24,

1 Article V, Texas Constitution.

2 (b) The local administrative judge shall ensure a master,
3 magistrate, referee, associate judge, or hearing officer appointed
4 to serve a county within the jurisdiction of the court served by the
5 local administrative judge complies with the requirements of this
6 chapter and Article 15.17, Code of Criminal Procedure.

7 (c) A local administrative judge shall report a violation of
8 Subsection (b) to:

9 (1) the commissioners court for the county in which
10 the master, magistrate, referee, associate judge, or hearing
11 officer is appointed;

12 (2) the presiding judge of the administrative judicial
13 region for the court served by judge;

14 (3) the Office of Court Administration of the Texas
15 Judicial System; and

16 (4) if the local administrative judge determines the
17 referring court is culpable in the violation, the State Commission
18 on Judicial Conduct.

19 SECTION 2. Section 54.1173, Government Code, is amended to
20 read as follows:

21 Sec. 54.1173. QUALIFICATIONS. A magistrate must[+]

22 [~~(1) be a citizen of this state,~~

23 [~~(2)] be at least 25 years of age[, and~~

24 [~~(3) have been licensed to practice law in this state~~
25 ~~for at least four years preceding the date of appointment].~~

26 SECTION 3. Section 54.1353, Government Code, is amended to
27 read as follows:

1 Sec. 54.1353. QUALIFICATIONS. To be eligible for
2 appointment as a criminal law hearing officer under this
3 subchapter, a person must:

4 (1) ~~[be a resident of Cameron County,~~
5 ~~[(2)]~~ be eligible to vote in this state and in Cameron
6 County;

7 (2) ~~[(3)]~~ be at least 30 years of age;
8 ~~[(4) be a licensed attorney with at least four years'~~
9 ~~experience,~~] and

10 (3) ~~[(5)]~~ have the other qualifications required by
11 the board.

12 SECTION 4. Section 54.1501(b), Government Code, is amended
13 to read as follows:

14 (b) The commissioners court shall establish the minimum
15 qualifications, salary, benefits, and other compensation of each
16 magistrate position and shall determine whether the position is
17 full-time or part-time. ~~[The qualifications must require the~~
18 ~~magistrate to:~~

19 ~~[(1) have served as a justice of the peace or municipal~~
20 ~~court judge, or~~

21 ~~[(2) be an attorney licensed in this state.]~~

22 SECTION 5. Section 54.1851(b), Government Code, is amended
23 to read as follows:

24 (b) The commissioners court shall establish the minimum
25 qualifications, salary, benefits, and other compensation of each
26 magistrate position and shall determine whether the position is
27 full-time or part-time. ~~[The qualifications must require the~~

~~magistrate to have served as a justice of the peace or be an attorney licensed in this state.]~~

SECTION 6. Section 54.1953, Government Code, is amended to read as follows:

Sec. 54.1953. QUALIFICATIONS. A magistrate must~~+~~

~~[(1) be a citizen of this state;~~

~~[(2)] have resided in the county for at least six months before the date of the appointment[, and~~

~~[(3) have:~~

~~[(A) served as a justice of the peace for at least four years before the date of appointment; or~~

~~[(B) been licensed to practice law in this state for at least four years before the date of appointment].~~

SECTION 7. Section 54.2202(a), Government Code, is amended to read as follows:

(a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States; and

(2) have resided in Collin County for at least the four years preceding the person's appointment~~[, and~~

~~[(3) have been licensed to practice law in this state for at least four years].~~

SECTION 8. Section 54.2402(a), Government Code, is amended to read as follows:

(a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States; and

(2) have resided in Fort Bend County for at least the four years preceding the person's appointment~~[, and~~

~~[(3) have been licensed to practice law in this state for at least four years]~~.

SECTION 9. The heading to Section 54.2702, Government Code, is amended to read as follows:

Sec. 54.2702. ~~[QUALIFICATIONS,]~~ OATH OF OFFICE.

SECTION 10. Section 54.2802(a), Government Code, is amended to read as follows:

(a) The district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County shall appoint one or more judges to preside over the criminal law magistrate court. An appointed judge must:

(1) serve Denton County as a district court judge, a criminal statutory county court judge, an associate judge of a court with criminal jurisdiction, a magistrate, including a jail magistrate, a judge of a municipal court of record, or a justice of the peace;

(2) ~~[be a licensed attorney in good standing with the State Bar of Texas,]~~

~~[(3)]~~ be authorized to access criminal history records under state and federal law;

(3) ~~[(4)]~~ have completed training necessary to serve as a magistrate in Denton County, as determined by the district court judges with jurisdiction in Denton County and the judges of the criminal statutory county courts of Denton County; and

(4) ~~[(5)]~~ meet the qualifications under Section

1 54.2807.

2 SECTION 11. Section 54.2807, Government Code, is amended to
3 read as follows:

4 Sec. 54.2807. QUALIFICATIONS. To be eligible for
5 appointment as the criminal law magistrate court associate judge, a
6 jail magistrate, or another magistrate in the criminal law
7 magistrate court, a person must ~~[+]~~

8 ~~[(1)]~~ have been a resident of Denton County for at
9 least two years preceding the person's appointment ~~[+and~~

10 ~~[(2)] have been licensed to practice law in this state~~
11 ~~for at least four years]~~.

12 SECTION 12. Section 54A.003, Government Code, is amended to
13 read as follows:

14 Sec. 54A.003. QUALIFICATIONS. To qualify for appointment
15 as an associate judge under this subchapter, a person must:

16 (1) be a resident of this state and one of the counties
17 the person will serve;

18 (2) have been licensed to practice law in this state
19 for at least five ~~[four]~~ years;

20 (3) not have been removed from office by impeachment,
21 by the supreme court, by the governor on address to the legislature,
22 by a tribunal reviewing a recommendation of the State Commission on
23 Judicial Conduct, or by the legislature's abolition of the judge's
24 court; and

25 (4) not have resigned from office after having
26 received notice that formal proceedings by the State Commission on
27 Judicial Conduct had been instituted as provided by Section 33.022

1 and before final disposition of the proceedings.

2 SECTION 13. Section 54A.103, Government Code, is amended to
3 read as follows:

4 Sec. 54A.103. QUALIFICATIONS. To qualify for appointment
5 as an associate judge under this subchapter, a person must:

6 (1) be a resident of this state and one of the counties
7 the person will serve;

8 (2) have been licensed to practice law in this state
9 for at least five [~~four~~] years;

10 (3) not have been removed from office by impeachment,
11 by the supreme court, by the governor on address to the legislature,
12 by a tribunal reviewing a recommendation of the State Commission on
13 Judicial Conduct, or by the legislature's abolition of the judge's
14 court; and

15 (4) not have resigned from office after having
16 received notice that formal proceedings by the State Commission on
17 Judicial Conduct had been instituted as provided in Section 33.022
18 and before final disposition of the proceedings.

19 SECTION 14. Section 54A.305(a), Government Code, is amended
20 to read as follows:

21 (a) To be eligible for appointment as an associate judge
22 under this subchapter, a person must:

23 (1) be a citizen of the United States;

24 (2) be a resident of this state for the two years
25 preceding the date of appointment; and

26 (3) be:

27 (A) eligible for assignment under Section 74.054

1 because the person is named on the list of retired and former judges
2 maintained by the presiding judge of the administrative judicial
3 region under Section 74.055;

4 (B) eligible for assignment under Section
5 25.0022 by the presiding judge of the statutory probate courts; or

6 (C) licensed to practice law in this state for at
7 least five years and have at least four years of experience in
8 guardianship proceedings or protective services proceedings before
9 the date of appointment as a practicing attorney in this state or a
10 judge of a court in this state.

11 SECTION 15. Section 74.092(a), Government Code, is amended
12 to read as follows:

13 (a) A local administrative judge, for the courts for which
14 the judge serves as local administrative judge, shall:

15 (1) implement and execute the local rules of
16 administration, including the assignment, docketing, transfer, and
17 hearing of cases;

18 (2) appoint any special or standing committees
19 necessary or desirable for court management and administration;

20 (3) promulgate local rules of administration if the
21 other judges do not act by a majority vote;

22 (4) recommend to the regional presiding judge any
23 needs for assignment from outside the county to dispose of court
24 caseloads;

25 (5) supervise the expeditious movement of court
26 caseloads, subject to local, regional, and state rules of
27 administration;

1 (6) provide the supreme court and the office of court
2 administration requested statistical and management information;

3 (7) set the hours and places for holding court in the
4 county;

5 (8) supervise the employment and performance of
6 nonjudicial personnel;

7 (8-a) supervise the performance of each master,
8 magistrate, referee, associate judge, or hearing officer who was
9 appointed under Chapter 54 to serve a court for which the judge
10 serves as a local administrative judge and whose duties include
11 duties under Article 15.17, Code of Criminal Procedure;

12 (9) supervise the budget and fiscal matters of the
13 local courts, subject to local rules of administration;

14 (10) coordinate and cooperate with any other local
15 administrative judge in the district in the assignment of cases in
16 the courts' concurrent jurisdiction for the efficient operation of
17 the court system and the effective administration of justice;

18 (11) if requested by the courts the judge serves,
19 establish and maintain the lists required by Section 37.003 and
20 ensure appointments are made from the lists in accordance with
21 Section 37.004;

22 (12) perform other duties as may be directed by the
23 chief justice or a regional presiding judge; and

24 (13) establish a court security committee to adopt
25 security policies and procedures for the courts served by the local
26 administrative district judge that is composed of:

27 (A) the local administrative district judge, or

1 the judge's designee, who serves as presiding officer of the
2 committee;

3 (B) a representative of the sheriff's office;

4 (C) a representative of the county commissioners
5 court;

6 (D) one judge of each type of court in the county
7 other than a municipal court or a municipal court of record;

8 (E) a representative of any county attorney's
9 office, district attorney's office, or criminal district attorney's
10 office that serves in the applicable courts; and

11 (F) any other person the committee determines
12 necessary to assist the committee.

13 SECTION 16. The following provisions of the Government Code
14 are repealed:

- 15 (1) Section [54.302](#);
- 16 (2) Section [54.652](#);
- 17 (3) Section [54.802](#);
- 18 (4) Section [54.853](#);
- 19 (5) Section [54.872](#);
- 20 (6) Section [54.902](#);
- 21 (7) Section [54.972](#);
- 22 (8) Section [54.992](#);
- 23 (9) Section [54.1804](#);
- 24 (10) Section [54.2602](#); and
- 25 (11) Section [54.2702](#)(a).

26 SECTION 17. The changes in law made by this Act apply only
27 to a master, magistrate, referee, associate judge, or hearing

1 officer appointed under Chapter 54 or 54A, Government Code, as
2 amended by this Act, on or after the effective date of this Act. A
3 master, magistrate, referee, associate judge, or hearing officer
4 appointed before the effective date of this Act is governed by the
5 law in effect on the date the master, magistrate, referee,
6 associate judge, or hearing officer was appointed, and the former
7 law is continued in effect for that purpose.

8 SECTION 18. This Act takes effect September 1, 2025.